

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner objected to claims 1-10; rejected claims 7-9 under 35 U.S.C. § 101 for being drawn to non-statutory subject matter; and indicated that claims 1-6 and 10 would be allowable if rewritten or amended to overcome the objection.

Applicant has amended claims 1-9 and canceled claim 10. Claims 1-9 and 11-20 are pending, and claims 11-20 have been withdrawn.

Regarding the objection to claims 1-10, Applicant has amended claims 1-9 as suggested by the Examiner. Therefore, Applicant requests that the Examiner withdraw the objection.

Regarding the rejection of claims 7-9 under 35 U.S.C. §101, the Examiner states that claims 7-9 are "directed to non-statutory subject matter" (Office Action at page 4). Applicant respectfully disagrees.

However, to expedite prosecution, Applicant has amended claim 7 to recite an "image forming program, tangibly embodied in a computer-readable storage medium, for causing an image forming device to execute." Accordingly, claim 7 positively recites a specific data structure that is tangibly embedded in a computer-readable storage medium. Claim 7 thus falls squarely within the categories of patentable subject matter. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 7-9 under 35 U.S.C. §101.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Applicant submits that the amendments to claims 1-9 overcome the claim objections and rejection under 35 U.S.C. §101. Therefore, claims 1-9 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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